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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,814	08/27/2001	Alexander Aschir	112740-272	6683

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EXAMINER

KNOWLIN, THJUAN P

ART UNIT PAPER NUMBER

2642

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/940,814

Applicant(s)

ASCHIR, ALEXANDER

Examiner

Thjuan P. Knowlin

Art Unit

2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/13/01 and 08/15/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections – 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Bushnell (US 6,519,335).

2. In regards to claims 1, 7, 10, and 12, Bushnell discloses a method and system for setting up a communication link (call) in a communication network from a communication terminal (caller) to a destination communication terminal (called party) (See col. 5 lines 12-20), the method comprising the steps of: allocating a weighting (for example, whether the incoming call has a high priority or low priority) to the communication link, determining if the communication link has a higher weighting than an already existing old communication link to the destination communication terminal (See col. 5 lines 21-36); interrupting the old (current/first) communication link and setting up the communication link from the communication terminal to the destination communication terminal if the communication link has a higher weighting than the old communication link (See col. 5 lines 44-48 and col. 7-8 lines 66-7); and changing the

weighting, while the communication link is being set up, via the communication network if the communication link needs to be set up with a different priority with respect to the allocated weighting, the different priority being one of a higher priority and a lower priority (See col. 7-8 lines 66-7).

3. In regards to claim 2, Bushnell discloses a method for setting up a communication link in a communication network from a communication terminal to a destination communication terminal, further comprising the step of: using a destination address (directory number within the user's/called parties affinity database) for the communication link to detect whether the communication link needs to be setup with the different priority (See col. 6 lines 46-65).

4. In regards to claims 3, 9, and 14, Bushnell discloses a method for setting up a communication link in a communication network from a communication terminal to a destination communication terminal, further comprising the step of: increasing the weighting of the communication link if the communication link needs to be set up with a higher priority (See col. 5 lines 44-48 and col. 7-8 lines 66-7).

5. In regards to claims 4, 8, and 13, Bushnell discloses a method for setting up a communication link in a communication network from a communication terminal to a destination communication terminal, further comprising the step of: reducing the weighting of the communication link if the communication link needs to be set up with a lower priority (See col. 5 lines 48-56).

6. In regards to claims 5 and 11, Bushnell discloses a method and system for setting up a communication link in a communication network from a communication

terminal to a destination communication terminal, wherein the destination address appears in a number plan (affinity database) for the communication network (See col. 6 lines 46-65).

7. In regards to claim 6, Bushnell discloses a method for setting up a communication link in a communication network from a communication terminal to a destination communication terminal, wherein the weighting of the communication link is increased if the communication link is detected to be an emergency call (See col. 9 lines 37-46).

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hagstrom (US 5,410,740) teaches control of a radio communications system base station.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thjuan P. Knowlin whose telephone number is (571) 272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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